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Before the
FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of)
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Advanced Television Systems)
and Their Impact Upon the)
Existing Television Broadcast)
Service)

MM Docket No. 87-268

Comments of the
Benton Foundation

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Summary

In setting technical standards for digital television the Commission should:

- adopt only the minimal amount of rules needed in order to protect spectrum users from interference;
- choose Standard Definition Television as the baseline of any standard, if one must be chosen; and
- adopt technical standards that afford the most flexibility to consumers allowing them to use their televisions not just for entertainment, but for educational uses as well.

Benton also urges the Commission to begin a separate proceeding to determine the public interest obligations of digital license holders.

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MM Docket No. 87-268

I. Introduction

The Commission seeks comment on the recommendations of Advanced Television Standard Committee Standard ("ATSC DTV Standard"). The Commission seeks to:

- ensure that all affected parties have sufficient confidence and certainty in order to promote the smooth introduction of a free and universally available digital broadcast television service;
- increase the availability of new products and services to consumers through the introduction of digital broadcasting;
- ensure that its rules encourage technological innovation and competition; and
- minimize regulation and assure that any regulations adopted remain in effect no longer than necessary.

The Benton Foundation ("Benton") believes that communications in the public interest, including free, over-the-air broadcast television, is essential to a strong democracy. Benton's mission is to realize the social benefits made possible by the public interest use of communications. Benton bridges the worlds of philanthropy, community practice, and public policy. It develops and provides effective information and communication tools and strategies to equip and engage

individuals and organizations in the emerging digital communications environment.

Benton's Communications Policy Project is a nonpartisan initiative to strengthen public interest efforts in shaping the emerging National Information Infrastructure (NII). It is Benton's conviction that the vigorous participation of the nonprofit sector in policy debates, regulatory processes and demonstration projects will help realize the public interest potential of the NII. Current emphases of Benton's research include extending universal service in the digital age; the future of public service in the new media environment; the implications of new networking tools for civic participation and public dialogue; the roles of states as laboratories for policy development; and the ways in which noncommercial applications and services are being developed through new telecommunications and information tools.

In April 1996, Benton began a series of ads on the new digital environment and the public interest. The first ad¹ was an open message to broadcasters which appeared in the *Wall Street Journal* and *Broadcasting and Cable*. Benton called upon broadcasters to use the airwaves to initiate a real debate over the future of television and the medium's potential to serve children better, to use interactive and on-demand features to provide the information people want and need every day, and to facilitate political debate.

Benton also devotes an entire section of our World Wide Web site to the debate over the future of television.² Recognizing the effect spectrum allocation played in the passage of the Telecommunications Act of 1996, Benton created this web site to educate the public about what's at stake and to include citizens and noncommercial interests in the debate. The site links to a

¹ See Appendix I.

² See URL <http://www.benton.org/TV/debate.html>.

number of diverse views on spectrum allocation for the transition to digital television and opinions on the public interest obligations broadcasters owe to their communities including children's educational television, community orientated programming, and free time for candidates.

II. The Commission Should Adopt Minimal Technical Standards That Will Allow for Future Innovation in Home Video Delivery

In setting the technical standards for digital television ("DTV") broadcasts, Benton urges the Commission to adopt no more than the minimal rules needed to protect spectrum users from interference. Any mandated standard which extends beyond prevention of interference will freeze technology and hamper innovation. This proceeding, now in its ninth year and fifth NPRM, should be example enough of how hard it is to change a government-mandated standard. With the increasingly rapid rate of innovation in digital telecommunications, the Commission should recognize how burdensome the regulatory process is to the adoption of new, improved technologies.

If the Commission must adopt a standard for broadcasting, it should adopt Standard Definition Television ("SDTV") as the baseline for all broadcasts. SDTV allows for the spectrum efficiency gain that is one of the goals of this proceeding and SDTV allows broadcasters to transmit multiple programs simultaneously, making them more competitive in the video home delivery market. The Commission could mandate that all broadcasts are SDTV-compatible, ensuring that all digital broadcasts are available to all digital television sets and that free, over-the-air broadcasts remain universal.

As for High Definition Television ("HDTV"), Benton argues that it does not increase the number of voices in the marketplace of ideas, nor does it contribute to the civic discourse of democracy.

Therefore, Benton sees no reason why the Commission should mandate HDTV as part of the DTV standard. The marketplace will best decide the public's interest in HDTV. Consumers should be able to choose HDTV capability just as they would choose a costly option when purchasing a car or a computer.

The Commission should adopt a standard that realizes the varied uses consumers may have for the television of the future. The television may serve as the household's entertainment center, education center, or, possibly, as the home computer. Benton urges the Commission to only adopt technical standards that allow consumers the greatest flexibility. The optimal outcome for consumers will be a wide range of choice from low-cost to luxury model, from cable-ready to data-ready, and capable of delivering all the promise of the Digital Age into the home.

III. The Commission Should Initiate a Rulemaking on the Public Interest Obligations of Broadcasters Before Issuing Any Digital Licenses

Now that the Commission has held a separate rulemaking on the technical standards of digital television, Benton calls for a rulemaking dedicated to setting public interest standards. The transition to digital television puts at risk a service available in nearly every home in the nation. Benton views free, over-the-air broadcast television as an important information service and a vital part of the emerging wireless and wired NII. We have addressed a technically better broadcast, let us finally address better television content.

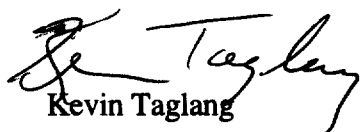
As Benton has noted in previous comments in this same docket, programming quality, not picture and sound quality, may be the ultimate litmus test for a public that seems fairly uninterested in HDTV. The question that the Benton Foundation returns to is, What public interest is being served by the transition to DTV? Spectrum is a valuable public asset. As the Commission guides us

through this transition, what gains will the American public see in children's educational television, the revitalization of public debate, the control of violence on television, and community access? If the public is to make this gift to broadcasters, what benefits will we see in the communities that broadcasters serve?

IV Conclusion

To reach the objective of encouraging technological innovation and competition, the Commission should avoid adopting rules that do more than ensure spectrum users protection from interference. Digital technologies are advancing at a rate too quick for the regulatory process. The Commission's main goal should be to avoid hampering consumer choice and the possible convergence of the television and the computer.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kevin Taglang", written over a horizontal line.

Kevin Taglang
Benton Foundation

Appendix I

An Open Letter to Broadcasters

For an industry using the public airwaves—and therefore obligated by law to serve the public interest—the ads you've been running about a "TV tax" are shameful.

An Open Message to the Nation's Broadcasters

What's really at stake is whether TV will contribute to a better tomorrow for us all—in a way that meets both your commercial interests and the nation's public interest.

There's no pending TV tax. There's no real threat to free TV. You know it and so do we.

The real issue isn't whether today's popular programs will survive.

The future of digital communications is much bigger than that—and much brighter. Bright enough, in fact, to make telecommunications one of the big engines that powers the American economy.

And also bright enough to do some powerful things for the American people. Like using television to serve children better. Giving us political debate that really is debate. Using the new interactive and on-demand features to provide the information people want and need every day.

You want twice as much of the broadcast spectrum as you have now—for free—and it looks like you're going to get it (at least for now). We think you ought to pay for it—just like every other new entrant does. But at the very least, you need to make the commitment to more expansive—and frankly more creative—ways to make television work harder for the public.

And please. Give the public the real facts. Don't keep using the airwaves to distort the story. Let's have a real debate, with all the options on the table.

That way, we can all together—broadcasters, government leaders, public interest groups, and the American public—define the public interest in the digital age. And where it could take us.

**Defining the Public Interest in the Digital Age.
We've All Got a Lot at Stake.**



Benton Foundation
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Through research, policy analysis and links to information and resources, the Benton Foundation engages and equips individuals and organizations to help shape the emerging communications environment in the public interest. For further information: <http://www.Benton.org>.